



**U.S. Department of Justice
Consumer Protection Branch**

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April 21, 2023

VIA ECF

The Honorable Robert M. Levy
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *United States v. B4B Earth Tea LLC, et al. No. 22-CV-1159*

Dear Judge Levy:

The United States submits this letter in response to Defendant Sinclair's April 18, 2023, letter motion seeking a six-month continuance of the above-captioned case to allow more time for Defendants to retain new legal counsel, so as to provide additional context that the Court should consider in deciding how to rule on Defendants' request.

First, while we acknowledge that Defendant Sinclair appears to have had some difficulties obtaining counsel, the Court has already granted him three extensions for this purpose. On April 5, 2022, Defendant Sinclair filed a motion [Dkt. 7] for an extension to file an answer to the Complaint filed on March 3, 2022. The Court granted this motion and allowed Defendant Sinclair a 30-day extension. Mr. Sinclair did obtain counsel, with the assistance of the Court. But that counsel ultimately moved to withdraw its representation of Mr. Sinclair, stating that "Defendants' refusal to consider and follow the advice of counsel has rendered it unreasonably difficult for counsel to carry out their responsibilities." [Dkt. 20 at 2.]. On December 20, 2022, the Court granted defense counsel's motion to withdraw, and provided Sinclair another 45-day extension to obtain an attorney. On January 20, 2023, Defendant Sinclair sought an additional extension to obtain an attorney [Dkt. 22] and was granted a 90-day extension. To date, Defendant Sinclair has already received three extensions to obtain counsel totaling at least 165 days.

Second, we have grounds for concern that Defendants continue to engage in the illicit conduct alleged in the Complaint while this case is pending. Specifically, Defendants appear to have a website currently offering Earth Tea for sale for \$60 per bottle, notwithstanding Defendant Sinclair's representation to the Court that: "My product is currently not sold in the USA while the case is active." The website also displays the purported 15-person clinical study referenced in the Complaint, which claims that Earth Tea is a safe and effective treatment for COVID-19, and it additionally promotes Earth Tea as a treatment for an array of other medical conditions from bronchitis to sickle cell disease. Screenshots of pages from the website www.b4bearthtea.com, as captured today, are enclosed for the Court's reference. This website

has been maintained and updated while this case has been pending; indeed, the top of the page commemorates “B4B Earth Tea 3 Yrs Anniversary” and displays a “Donate” link that connects visitors to a GoFundMe page created in January 2023 to request donations toward Defendants’ legal retainer fee for this case.

If Defendants are still offering their product for sale, then the United States opposes the extension they request. It would not be in the public interest to allow Defendants to continue drawing out this case.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "James T. Nelson", is written over a horizontal line.

James T. Nelson

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